



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 117<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 167

WASHINGTON, THURSDAY, MAY 13, 2021

No. 83

## Senate

The Senate met at 11 a.m. and was called to order by the Honorable BEN RAY LUJÁN, a Senator from the State of New Mexico.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, teach us Your wisdom and discipline. Because of Your wisdom, may our lawmakers have insights that guide them on the path of truth. Give them a passion to do what is right, to love mercy, and to walk humbly with You. Because of Your gift of discipline, may our Senators grow in grace and in a knowledge of You, supplementing their faith with generous provisions of moral excellence, self-control, and patient endurance.

Lord, keep us all from deliberate sin so that the words of our lips and the reflections of our hearts will please You.

We pray in Your Holy Name. Amen.

### PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. LEAHY).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
WASHINGTON, DC, MAY 13, 2021.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BEN RAY LUJÁN, a

Senator from the State of New Mexico, to perform the duties of the Chair.

PATRICK J. LEAHY,  
President pro tempore.

Mr. LUJÁN thereupon assumed the Chair as Acting President pro tempore.

### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### ENDLESS FRONTIER ACT

Mr. SCHUMER. Mr. President, yesterday, the Senate Commerce Committee, on which you sit, came together on a bipartisan basis to advance the Endless Frontier Act by a vote of 24 to 4—24 to 4.

We are now one step closer to passing a bill that will keep our country one step ahead in science and technology for decades to come. It is my intention for the Senate to take up the Endless Frontier Act next week in a package with legislation to strengthen our alliances and partnerships; invest in the American semiconductor industry; ensure that China pays a price for its predatory actions; and boost advanced manufacturing, innovation, and critical supply chains.

For decades, American prosperity has been anchored by our unmatched capacity for innovation and invention in science and in technology. American innovation propelled American industry, and an American workforce brought those innovations to the global economy.

But, unfortunately, Federal underinvestment in sciences has seen our country slip, exposing critical weak

spots in our economy. If we don't fix them, we will no longer be the No. 1 economic leader in the world in the decade to come. So it is an imperative that we do this. This is for our future—our future for jobs, our future for economic leadership, and our future for world leadership.

It all boils down to science, something that was ignored, unfortunately, by the last administration, but, fortunately, bipartisan unity in this Senate is bringing us back on the page that we need to do science.

The Endless Frontier Act would right the ship by making one of the largest investments in American innovation in generations, allowing the United States to outcompete countries like China, create more good-paying jobs, and harden our economic and our national security as well because this bill is vital to national security as well as to economic security.

I want to really applaud Chairwoman CANTWELL, Ranking Member WICKER, and my partner in the Endless Frontier Act Senator YOUNG, all of whom worked hard, long, diligently, and effectively, in a bipartisan fashion, to move this legislation through regular order. The full Senate will consider and, I believe, should finish this important legislation before the end of the month with strong bipartisan support.

### NOMINATIONS

Mr. SCHUMER. Mr. President, on judges and on nominees, over the past several months, the Senate has moved quickly to confirm nominees to serve in President Biden's Cabinet and throughout his administration. The Senate also has a constitutional duty to provide advice and consent on the President's judicial nominations, and the Senate will begin to fill judicial vacancies very soon.

This morning, the Judiciary Committee is holding the first markup for a slate of President Biden's judicial

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



Printed on recycled paper.

S2499

nominations, including two circuit nominees and three district court nominees, who will all receive a vote in the committee next week. The Senate is now going to scale up our efforts to fill more than 80 vacancies in the Federal judiciary.

It is no secret that, lacking a robust legislative agenda, the Republican majority, under President Trump, focused on judges, confirming around 200. President Obama, in his 8 years, appointed 320. So even though, on a 4-year-to-4-year basis, Trump did more, overall, Obama had a greater effect on the judiciary than Trump.

Now, President Biden has the opportunity to fill more than 80 vacancies—likely more. Under this Democratic majority, the Senate will swiftly and routinely take up President Biden's appointments to the Federal bench. It will redress the imbalance that the Trump administration caused by choosing so many judges who were so far hard right, way out of the mainstream not just of the American people but even of the Republican Party.

Under this Democratic majority, we are going to swiftly and routinely take up President Biden's appointments to the Federal bench to restore some balance. And, I must say, President Biden's judicial candidates provide a stark contrast to the quality, to the caliber of President Trump's nominations. President Biden's nominees are qualified, mainstream, and actually reflect the diversity of the country. Many have spent years as public defenders, an experience that is sorely lacking on the Federal bench. They also include the first Native American to be nominated to the Federal court, the second-ever Puerto Rican, and the second Black woman to sit on the Second Circuit in my home State of New York. I am very proud of that.

That is a far cry from what we got under President Trump and then-Majority Leader McCONNELL. For 4 years, the Republican leader turned the Senate into a conveyor belt for inexperienced lawyers, many with deeply radical views on women's choice, voting rights, criminal justice, and civil rights. A few of them were so extreme on the issues of race and voting that Republican Senators joined with Democrats to reject those nominations.

With President Biden, we are going to bring balance back to the Federal judiciary by confirming judges who are beholden to the law, not some far-right agenda.

#### NOMINATION OF KRISTEN M. CLARKE

Mr. SCHUMER. Mr. President, on another issue in the Judiciary Committee, this morning the Judiciary Committee will also vote on a very important nominee to the Department of Justice, Kristen Clarke, to serve as the Assistant AG for Civil Rights.

The daughter of Jamaican immigrants, Ms. Clarke is an extremely well

qualified and capable civil rights attorney who will be the first Black woman to ever fill her position at the Justice Department.

But her obvious quality did not stop a few of our Republican colleagues from trying to smear her record. The political right seems to relish in trying to score political points by connecting every Justice Department nominee, many of whom happen to be women of color, to hot-button partisan issues, whether or not they have any relevance.

In Ms. Clarke's hearing, it reached the point of absurdity when she was grilled on an obviously satirical piece she published for her college newspaper. Just like Ms. Vanita Gupta, who I am proud to say is now the Associate Attorney General, Ms. Clarke was treated by the minority on the Judiciary Committee like some hair-raising radical, despite her record, her qualifications, and her support from all sides. And just like Ms. Gupta, Ms. Clarke has been endorsed by the Nation's most powerful law enforcement organizations, including the International Association of Chiefs of Police and the Major Cities Chiefs Association.

Ms. Clarke is an outstanding, an outstanding nominee, and I urge all of my colleagues on the Senate Judiciary to advance her nomination today.

With that, I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

#### NATIONAL POLICE WEEK

Mr. McCONNELL. Mr. President, I will begin this morning where I began on Monday, talking about National Police Week. Yesterday, I got to welcome members of Kentucky's Fraternal Order of Police here to my office. I was glad for the chance to share my gratitude for their service and hear what was on their minds.

Tragically, the past year's fallen officers, whom we will be memorializing this week, includes one of Kentucky's own. In early 2020, Detective James Kirk of the Stanton Police Department suddenly passed away from a heart attack in the wake of struggling with an armed subject. He was only 40 years old.

By all accounts, during James's nearly 20 years of service, he became a

model officer. He even served as police chief of a nearby department. His colleagues remembered his easygoing, friendly nature and his total professionalism.

As our Nation honors this brave Kentuckian, we continue to hold his wife Brandy, their family, and the entire Stanton Police Department in our prayers. Later today, Detective Kirk will join the ranks of heroes enshrined on the National Law Enforcement Memorial.

We are also honoring our colleagues here in the Capitol this week, the U.S. Capitol Police. On Peace Officers Memorial Day this Saturday, we will especially remember Officers Evans, Sicknick, and Liebengood, all taken too soon.

Their sacrifices are a sharp reminder: Standing with law enforcement isn't something we can do only 1 week every year; we need to back the blue all year round.

#### CHINA

Mr. McCONNELL. Mr. President, on an entirely different matter, while Senators were back in our home States last week, the Washington Post ran this headline: "Chinese greenhouse gas emissions now larger than those of developed countries combined." Let me say that again. "Chinese greenhouse gas emissions now larger than those of developed countries combined."

China is out-emitting the United States, India, and the entire European Union combined. They are now responsible for more than one-fourth of the entire world's emissions. Beijing admits they aren't even planning for their emissions to start declining for another decade.

It is a clear reality check: No matter how much self-inflicted pain the far left might want to impose on American workers and families, it would barely make any dent in the global calculus. Remember, with the United States outside the Paris Agreement, our emissions fell on our own even as our economy grew. Meanwhile, countries inside the deal, like China, have kept roaring right on by.

Strangely, this didn't stop the Biden administration from rushing to rejoin the failed deal. This is just one of the ways in which American competitiveness has recently seemed to take a back seat.

This White House canceled a pipeline project that would have increased energy security and supported thousands of American jobs. They froze exploration of domestic resources that helped our Nation become a net energy exporter for the first time since the 1950s.

After we just spent 4 years beginning to rebuild and modernize our national defense, this administration indicated they will propose to cut defense spending after inflation—fewer resources for our troops, fewer tools to keep pace with China. They want to play year-to-